

Attorneys for Plaintiff  
GREG LEMMON

**GREG LEMMON**

**V.**

CITY OF SAN LEANDRO

**STIPULATION FOR DISMISSAL  
WITH PREJUDICE AND FOR ENTRY  
OF JUDGMENT: ORDER APPROVING  
STIPULATION AND DISMISSAL  
WITH PREJUDICE**

///

///

III

///

iii

///

1       Whereas, Greg Lemmon and other City of San Leandro sworn police personnel  
2       (collectively referred to as "Plaintiffs") filed a complaint in the U.S. District Court for the  
3       Northern District of California on or about November 16, 2006, entitled *Greg Lemmon v. City of*  
4       *San Leandro*, Case No. C06-07107 MHP ("Lawsuit") against the City of San Leandro for  
5       violation of the Fair Labor Standards Act ("FLSA"), alleging that the City had failed to pay the  
6       appropriate amount of FLSA overtime compensation;

7       Whereas, each Plaintiff who confirmed his or her choice to join this lawsuit has already  
8       signed a "Consent to Join Action (Fair Labor Standards Act, 29 USC § 216(b))" and has not  
9       withdrawn his or her consent to this date;

10       Whereas, all parties desire to fully resolve this matter and to avoid incurring further costs  
11       and expenses incident to the litigation in this matter;

12       Whereas, the parties agree that this settlement is a resolution of disputed matters and is not,  
13       in any way, an admission of liability, fault or wrongdoing on the part of any party;

14       IT IS HEREBY STIPULATED, by and between the parties of this action and through their  
15       designated legal counsel, that the above-captioned action will be disposed of as follows:

16       1.     That the Court order that this action be dismissed with prejudice in its entirety as to  
17       all parties pursuant to Federal Rule of Civil Procedure 41(a)(2) based upon the terms and  
18       conditions stated in the attached Settlement Agreement and General Release of Claims;

19       2.     That the Plaintiffs must sign document(s) evidencing their agreement to both this  
20       "Stipulation With Prejudice and for Entry of Judgment" and the "Settlement Agreement and  
21       General Release of Claims" before they can receive any wage payment due under the "Settlement  
22       Agreement and General Release of Claims";

23       3.     That any action to enforce the attached Settlement Agreement and General Release of  
24       Claims be brought in Superior Court of California, in and for the County of Alameda; and

25       ///

26       ///

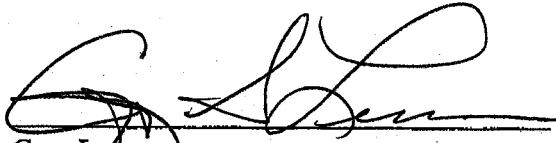
27       ///

28       ///

1           4. That the Clerk of the Court enter final judgment dismissing this action with prejudice  
2 in its entirety.

3  
4 FOR THE PLAINTIFFS

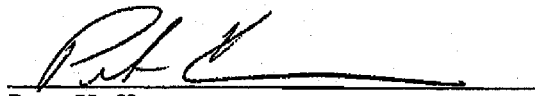
5 Dated: February 17, 2009

  
6 Greg Lemmon  
7 Named Plaintiff

8 PLAINTIFFS' COUNSEL

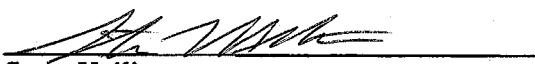
9 RAINS LUCIA STERN, PC

10 Dated: February 11, 2009

  
11 Peter Hoffmann  
12 Attorneys for Plaintiffs

13 FOR THE DEFENDANTS

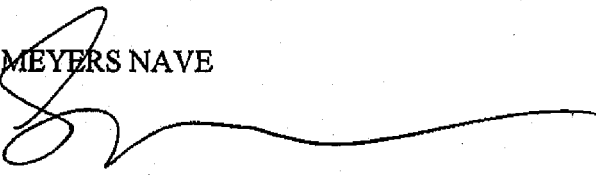
14  
15 Dated: February 17, 2009

  
16 Steve Hollister  
17 City Manager for Defendant

18 DEFENDANTS' COUNSEL

19 MEYERS NAVE

20 Dated: February \_\_, 2009

  
21 Samantha W. Zutler  
22 Attorneys for Defendant

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

**ORDER APPROVING STIPULATION AND DISMISSAL WITH PREJUDICE**

The Court having considered the parties' stipulation submitted herein and good cause appearing therefore, IT IS HEREBY ORDERED:

1. That this action is dismissed with prejudice in its entirety as to all parties pursuant to Federal Rules of Civil Procedure 41(a)(2) based upon the terms and conditions stated in the Settlement Agreement and General Release of Claims;
2. That any action to enforce the parties' Settlement Agreement and General Release of Claims be brought in the Superior Court of California, in and for the County of Alameda; and
3. That the Clerk of the Court enter final judgment dismissing this action with prejudice and in its entirety.

IT IS SO ORDERED

Dated: February 20, 2009

